

ALEX E. COLES

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1 without discussing the lawsuit?

2 A. Right.

3 Q. But you do have opinions that African
4 Americans at the Authority are not treated fairly,
5 correct?

6 A. Yes. And I have expressed those opinions.

7 Q. Expressed those opinions to Mr. Williams
8 and Mr. Walls?

9 A. Yes. Not in detail with Walls, but in
10 detail with Steve.

11 Q. What did Mr. Williams say?

12 A. He's new to the Authority so I guess he's
13 trying to feel his way around or whatever. I don't
14 know.

15 But by him being my direct boss, I just
16 discuss it with him. And I lay it on the line how I
17 feel and what I think. Like I said, these are my
18 opinions and how I feel.

19 Q. I understand.

20 A. If anyone knows me, they will tell you no
21 one can tell Alex to say something or not to say
22 something. I just go by the experience that I had
23 going through the Authority, period. I expressed
24 that to him.

25 Q. When you say that you don't believe that

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1 Steve.

2 Q. I need you to try to break that down if
3 you can. And if you can't do that, tell me. In
4 breaking down the unfair treatment or disparity that
5 the African Americans receive at the Authority, are
6 you talking about simply how they are treated as
7 individual employees? Or are you talking about
8 fairness in terms of equal pay? Are you talking
9 about fairness in consideration for promotions?

10 A. You could go across the board with it.
11 Like I said, I keep going back to only my
12 experience. I'm sure you can talk to a lot of
13 minorities within the Authority and they will have
14 different experiences. Not just minorities. Other
15 individuals as well.

16 So I can only speak from a minority
17 standpoint because I'm a minority.

18 MR. HALL: Let's take a two-minute
19 break.

20 (Whereupon, a brief recess was
21 taken.)

22 BY MR. HALL:

23 Q. Alex, you mentioned that from your
24 observations and experience that across the board
25 with respect to treatment in terms of the individual

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1 treatment of minorities, the adequate pay they
2 receive, and the consideration for promotions, that
3 you see discrimination or unfair treatment as to
4 minorities including African Americans at the
5 Authority, correct?

6 A. Yeah. I worked in the maintenance
7 department.

8 Let me break it down. I worked in
9 maintenance and then came to airports. I didn't
10 start dealing with, as we say, the upper echelon
11 until I came to airports and was bumped to my
12 position.

13 A lot of my experiences when I was coming
14 through the Authority I dealt with and when they
15 thought I was just a Maintenance 1 Tech to now --
16 and that's probably why, like, now I don't see as
17 much probably because of where I am, to be honest
18 with you, in my opinion.

19 Q. Because you are management now?

20 A. Right. When I say you have racists, you
21 do but it's probably both sides. I wouldn't say
22 whites is racist, blacks as well within the
23 Authority. You have issues. That's what I say in
24 the experiences that I talk about.

25 As far as the pay and all that, could it

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1 case?

2 A. No.

3 Q. Mr. Riley is employed at the Delaware
4 River and Bay Authority, correct?

5 A. Yes.

6 Q. And he's an operations clerk?

7 A. Yes.

8 Q. How long have you been responsible for
9 supervising Mr. Riley?

10 A. When he first came over, I was his direct
11 supervisor when I was the coordinator. When my
12 title was changed and I became the specialist, I
13 wasn't.

14 Then when I received my position as
15 manager, I became his supervisor again.

16 Q. Are you currently his direct supervisor?

17 A. Yes.

18 Q. And what's Mr. Riley's job title?

19 A. Do you mean operations clerk?

20 Q. Yes.

21 A. Yes.

22 Q. Can you tell me what your understanding of
23 Mr. Riley's job responsibilities are as an
24 operations clerk at the Authority?

25 A. Just going from his job description, he

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1 A. I would assume so. I don't look at them
2 all the time.

3 Q. You don't have any reason to dispute that
4 that appears to be the job description for Ron,
5 correct?

6 A. No.

7 MR. HALL: Let's mark that as Exhibit

8 No. 1.

9 EXHIBIT:

10 (Whereupon, EXHIBIT 1 was marked for
11 identification.)

12 BY MR. HALL:

13 Q. Are you aware that Mr. Riley filed a
14 grievance through his union that indicated that he
15 believed that his job functions were above that of
16 an operations clerk?

17 A. Yes.

18 Q. Did Mr. Riley meet with you personally to
19 express the fact that he believed his job
20 responsibilities exceeded that of an operations
21 clerk as well?

22 A. Yes, he did.

23 Q. Do you know when the first time Mr. Riley
24 met with you?

25 A. I'm not sure.

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1 do about it. I can't change the job description. I
2 can't, you know, rewrite it and put stuff in it or
3 take stuff out of it.

4 Q. All right. So in meeting with Ron, you
5 told him that you agree that his pay scale is not
6 according to his job responsibilities but there's
7 nothing you can do about it personally?

8 A. I don't believe no one in my department's
9 pay scale is what they are responsible for, but
10 there's nothing I can do about it.

11 Q. And Ron is included in that?

12 A. Yes. This has been in ops meeting with
13 everyone.

14 Q. Who is present at the operations meeting?

15 A. All my operations.

16 Q. And you've told that to Ron personally?

17 A. Yes. I even had because after that,
18 because they were talking to me. I had discussions
19 with Steven Walls. And Walls came to our meeting
20 and I had him explain to them the process as far as
21 the job descriptions are concerned because it's
22 nothing I can do.

23 Q. And your advice to Ron and any other
24 person in your department that felt that they were
25 not being compensated appropriately was to make the

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1 appropriate complaint to the union and address it
2 through the union grievance procedure, correct?

3 A. I just said you could take it to the
4 union. If it's a grievance, I don't know.

5 Q. Did Mr. Williams confirm that as well?

6 A. Yes.

7 Q. Mr. Williams told you, Alex, we can't do
8 anything about Ron Riley or any other --

9 A. Person. They are part of the union as
10 well as Mr. Walls, because I had conversations with
11 them both.

12 Q. So Steve Williams and Jim Walls told you
13 the same thing, correct?

14 A. Correct.

15 Q. Did you later find out that the statements
16 that Mr. Williams and Mr. Walls made to you were not
17 accurate?

18 A. It seemed that way because it was brought
19 to my attention that two union guys were bumped up.
20 So I questioned them to explain that to me.

21 The explanation they gave me was that I
22 guess they took the job, they didn't like the pay.
23 They grieved the pay, bounced it back. And then I
24 guess through negotiations or whatever they fixed it
25 and went from there.

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1 Q. All right. So with respect to Ron's
2 complaint that he was not being paid adequately for
3 his job responsibilities, the response you received
4 from Mr. Williams and Walls is basically that Ron
5 had gone to the union and filed a grievance and you
6 were told there was nothing you could do personally
7 because this was a union matter, correct?

8 A. Yeah, me or Steve.

9 Q. And following those conversations that you
10 had with Mr. Williams and Mr. Walls and Mr. Riley,
11 you later learned that there were two union
12 employees who did get reclassified, correct?

13 A. They weren't reclassified from what I
14 understand. They told me that they applied for a
15 job, took the job. Within the union I guess they
16 often gave them a 5 percent bump.

17 Any time you grieve the pay, the Authority
18 has the right to put you back in your position. I
19 guess through their process and grieving process,
20 they took them and giving them the job, taking them
21 back in the job and giving them their pay. That's
22 pretty much what I know about that.

23 Q. Do you know the names of the two union
24 employees?

25 A. Barry something and I don't know the other

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1 one.

2 Q. Were both of those two union employees
3 Caucasian?

4 A. I know Barry is. I don't know the other
5 guy personally. I believe he is, but I don't know.

6 Q. Do you know why those two union employees
7 were given a 5 percent pay bump?

8 A. No.

9 Q. Did you speak to Mr. Williams or Mr. Walls
10 and say to them that I don't understand why you
11 won't consider Ron for a pay grade bump or
12 reclassification when two other union members
13 received a pay bump of 5 percent?

14 A. No. I asked them to explain to me what
15 happened.

16 Q. And what did they tell you?

17 A. Exactly what I just told you earlier as
18 far as they took the job, didn't take the job, all
19 that type stuff.

20 Q. You don't really know why they did it, but
21 eventually they gave them a 5 percent pay bump?

22 A. I believe it was more than that.

23 Q. More than 5 percent?

24 A. I believe. I don't know for sure.

25 Q. Okay. Did you meet with Ron to discuss

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RONALD S. RILEY,)	
)	
Plaintiff)	C.A. No. 05-746 (MPT)
)	
v.)	
)	
THE DELAWARE RIVER & BAY)	(Consolidated)
AUTHORITY, JAMES JOHNSON)	
Individually, JAMES WALLS, Individually)	
TRUDY SPENCER-PARKER, Individually)	
and CONSUELLA PETTY-JUDKINS,)	
Individually.)	
)	
Defendants)	

PLAINTIFF'S RESPONSES TO DEFENDANTS' FIRST SET OF INTERROGATORIES

GENERAL OBJECTIONS

Plaintiff makes the following General Objections ("General Objections") to the Interrogatories. These General Objections apply to and form a part of the response to each and every Interrogatory and are set forth herein to avoid the duplication and repetition of restating them for each response.

1. Plaintiff objects to each interrogatory to the extent that it seeks to impose an obligation or burden on Plaintiff beyond that required by F.R.C.P. 26. Plaintiff will respond to each interrogatory to the extent required by the applicable rules.
2. Plaintiff objects to each interrogatory to the extent that it seeks information or documents protected from disclosure by the attorney-client privilege, the work product doctrine, or any other applicable privilege or protection from discovery.
3. Plaintiff objects to each interrogatory to the extent that it seeks information or

directed to plaintiff. In addition, plaintiff will rely upon his employment and personnel file, his testimony and the testimony of various witnesses/employees of DRBA who have been previously identified in Plaintiff's Initial Disclosure.

20. For every paycheck you contend was discriminatory, identify: (a) the date of the paycheck; (b) the total gross value of the paycheck; (c) the total gross value you contend you should have been paid for each paycheck; and (d) the basis for which you believe you should have been paid the amount identified in (c).

ANSWER: Plaintiff intends that all paychecks received as an operations clerk have been discriminatory since he has functioned at a level in excess of an operations clerk.

21. Identify all evidence, including comparable employees, which supports your allegation in paragraph 13 of your complaint, stating that you were not provided adequate compensation for your work responsibilities due to the fact that you are an African American male.

ANSWER: Plaintiff is employed as an operations clerk at a paygrade "P", receiving \$34,000 per year, despite the fact that plaintiff's job responsibilities are in excess of an operations clerk. Specifically, plaintiff performs job responsibilities comparable and above the administrative assistant, customer service representative (CSR) and a senior customer service representative (CSR) positions throughout the DRBA. Plaintiff performs job responsibilities and duties similar to those of the following individuals: Chris James (white female)- Senior CSR, paygrade "M"; Rick Lane (white male)- Cape May Lewes Ferry, paygrade "N"; Kristen Flocco (white female)- paygrade "N"; Carmen Acevedo (black)- paygrade "N"; Bernadette Minton (black)- M.I.S. Administrative Assistant, paygrade "N"; Marylou Jordan (white female)- Cape May Lewes Ferry- paygrade "N";

June Redbauch (white female)- Cape May Lewes Ferry, paygrade "N"; Peggy Lamana- Cape May Lewes Ferry, Administrative Assistant, paygrade "N"; Joan Moreno (white female)- EZ Pass Violation Tech, paygrade "N"; Tom Naglee (white male)- Cape May Lewes Ferry, CSR, paygrade "M"; Judi Twist (white female)- Cape May Lewes Ferry, CSR, paygrade "M"; Steve Lafferty (white male)- Cape May Lewes Ferry, CSR, paygrade "M"; Todd Fisher (white male)- Cape May Lewes Ferry, CSR, paygrade "M" and Amy Littletown (white female)- Cape May Lewes Ferry, paygrade "M".

In addition, the following employees have been moved up a paygrade at DRBA, but the plaintiff Ron Riley was excluded: Tara Roberts- CSR, Reservations; Dorisy Kennedy- EZ Pass CSR; Grace Cramer- EZ Pass CSR and Jerry Reese- EZ Pass CSR/Acting Supervisor. Plaintiff reserves the right to supplement this discovery response once witnesses/employees of DRBA have been deposed and information requested from defendant has been provided to plaintiff.

22. Describe all job duties you perform that you contend are in excess of that as defined for an operations clerk.

ANSWER: See July 17, 2002 letter from Ronald Riley to Rocco Tomanelli addressing the job responsibilities in excess of an operations clerk which plaintiff performed on a daily basis. In addition to the foregoing, plaintiff provides the following responsibilities in excess of an operations clerk: credit card reconciliation, key card access to the airport, controlling flight access to the airfield, administering airfield driving tests and performing customer service representative activities beyond the scope of an operations clerk.

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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

RONALD S. RILEY	:	C.A. No. 05-746 (MPT)
Plaintiff	:	C.A. No. 07-336 (MPT)
	:	
- vs -	:	
	:	
THE DELAWARE RIVER AND BAY	:	
AUTHORITY, JAMES JOHNSON,	:	
Individually, JAMES WALLS,	:	
Individually, TRUDY SPENCE-	:	
PARKER, Individually, and	:	
CONSUELLA PETTY-JUDKINS,	:	
Individually	:	
Defendants	:	

ORAL DEPOSITION OF STEPHEN WILLIAMS, taken before
Nancy R. Toner, Registered Professional Reporter, Notary
Public, at the offices of Young, Conaway, Stargatt and
Taylor, 1000 West Street, Wilmington, Delaware on Wednesday,
February 27, 2008, commencing at 11:55 a.m.

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REGISTERED PROFESSIONAL REPORTERS
PENNSYLVANIA AND DELAWARE
800-621-5689

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1 with his union?

2 A. I don't have firsthand knowledge of that.
3 But I would assume that he did.

4 Q. Mr. Coles testified earlier today that he
5 learned after you told him to go back to Mr. Riley
6 and tell Mr. Riley that it was a union matter and to
7 address it with the union that there were two
8 employees who are union members that received pay
9 grade increases. And he approached you about that.

10 Do you recall that?

11 A. Yes.

12 Q. And can you tell me what you recall about
13 that meeting with Mr. Coles?

14 A. Actually, I should restate that one matter
15 that was the subject of our meeting last week was
16 that very matter relative to -- that you just
17 mentioned. Other union members that had allegedly
18 been reclassified by the Authority.

19 Part of the substance of the meeting with
20 Mr. Walls and Ms. Spence-Parker was to clarify that
21 rumor, if you will, that there had been such a
22 reclassification of another union member at the
23 Authority.

24 Q. And what happened during that meeting?
25 Did you or Ms. Spence-Parker address this with

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1 Mr. Coles?

2 A. Mr. Walls explained the nature of that
3 issue relative to promotional or reclassifications
4 as they were alleged. And Mr. Walls explained
5 somewhat in detail the methodology and the process
6 by which two individuals in the DRBA were promoted,
7 were given a pay increase, and then what happened
8 thereafter.

9 Q. They were two union members?

10 A. Yes.

11 Q. And they were promoted and given a pay
12 increase?

13 A. Yes.

14 Q. And what was Mr. Walls' explanation, if
15 any, as to why two union members were promoted and
16 given a pay increase, yet Mr. Riley was not given
17 that opportunity based on the fact that he was a
18 union member?

19 A. The two individuals submitted their
20 qualifications to a job offer that had been publicly
21 posted. And they were selected based on a process.

22 I emphasize the word "promotion" based on
23 a selection process is my understanding. I
24 distinguish that between that and a reclassification
25 or adjustment. It's my understanding how it's been

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1 explained to me.

2 Q. And this is a decision made by human
3 resources or Mr. Walls? It's above -- you didn't
4 have any involvement in deciding whether to promote
5 these two individuals or not, correct?

6 A. Right, correct.

7 Q. Did you have any information about the
8 promotion of these two union individuals at all
9 other than what was talked about at the meeting last
10 week?

11 A. No.

12 Q. Were the two individuals that received
13 promotions who were members of the union, were they
14 white?

15 A. I don't know the race of the individuals.

16 Q. Do you know the names of the individuals?

17 A. I do not know.

18 Q. Mr. Coles recalled the first name of one
19 of the individuals was Barry and that that
20 individual was white. Does that help refresh your
21 recollection as to the full name or whether the
22 person was white or not?

23 A. No.

24 Q. Did Mr. Walls or anyone else at the
25 meeting indicate that the union was threatening to

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1 sue the Authority if these two employees were not
2 promoted?

3 A. No.

4 Q. Was he able to offer an explanation that
5 you understood as to why these two union members
6 were promoted and received a pay increase but
7 Mr. Riley was not given that opportunity?

8 A. Restate that please.

9 Q. Sure. Was he able to explain a reason
10 during the meeting -- I'm only asking you to give me
11 your understanding if he did explain this -- as to
12 why the two union members were, in fact, given a
13 promotion and a pay increase but Mr. Riley was
14 denied that opportunity because he was a member of
15 the union?

16 A. Okay. I think your phraseology is
17 incorrect. Mr. Riley, in my understanding, has been
18 offered a promotional opportunity and turned it
19 down.

20 Again, a promotional opportunity that had
21 been publicly advertised that was responded to --
22 this is my understanding of this -- that the two
23 individuals responded to a public or -- it's not an
24 internal posting. It's a public posting as we
25 typically do.

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1 That these two individuals applied for --
2 and, again, I don't know the title -- but they
3 applied for the position. They were selected for
4 the position.

5 And as a result, there's a certain pay
6 that I think goes along with that. And that's my
7 understanding is that they were two promotional
8 opportunities that had been offered. I assume all
9 of that had happened. An offer had been made to
10 these two individuals who happened to be union
11 members.

12 Q. And I appreciate that. But what I'm
13 having a hard time understanding -- and maybe you
14 can help me -- is that these two individuals were
15 given a promotion and given a pay increase despite
16 the fact that they are union members. But the
17 response to Mr. Riley when he asked to be either
18 reclassified or reconsider his compensation was we
19 cannot address this, it's a union matter, you need
20 to go back to your union.

21 Help me understand that distinction. Why
22 was it on one hand the two employees are promoted
23 and given a pay increase since they are union
24 members; but with respect to Mr. Riley he was told
25 we cannot even evaluate this or consider it, you

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1 need to address it with your union?

2 A. It's very clear to me. Again, promotional
3 versus reclassification. A promotion assumes that
4 there is a vacancy, a vacancy that needs to be
5 filled by the Authority. And I believe that the
6 department is maintenance where the two individuals
7 work.

8 Two promotional opportunities -- let's
9 assume they go from M.S. 1 to M.S. 2. There are two
10 vacancies from M.S. 2. The two individuals applied
11 and go through a process. They are selected.
12 There's a pay that's been posted publicly associated
13 with those two M.S. 2 positions.

14 They are made offers, whether
15 simultaneously or separately. They accept the
16 offer. The Authority processes that and they are
17 paid according to the posted salary or the posted
18 pay rate. It's not a salary. Likely an hourly
19 employee. It is probably an hourly rate that they
20 are promoted to this position.

21 I think it's also important to state that,
22 again, the difference between a promotion and
23 reclassification -- these were not two individuals
24 to my understanding that were reclassified within
25 the scope of M.S. 1. Hypothetically they were

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1 promoted to a new title. Therein lies the very
2 clear distinction in my mind between one case and
3 another.

4 Q. And that distinction is based on what
5 Mr. Walls told you at last week's meeting?

6 A. The substance of it is what I just told
7 you came from Mr. Walls. In terms of my
8 understanding about methodology, that's clear to me
9 based on my own knowledge of union matters and
10 promotional opportunities.

11 Q. Just so I'm clear, you didn't go to the HR
12 department after your meeting with Mr. Walls and
13 Mr. Coles and Ms. Spence-Parker and sit down and
14 determine whether or not these two other union
15 members were, in fact, promoted or reclassified or
16 did or didn't receive a pay increase? The only
17 knowledge you have about it is what Mr. Walls
18 mentioned or spoke about during the meeting,
19 correct?

20 A. Yes, that's correct.

21 Q. In fact, you didn't even know if two union
22 members got promoted or reclassified until you heard
23 about it as a potential issue that Mr. Coles raised
24 for his upcoming deposition, right?

25 A. Correct, right.

RILEY?

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6002

IN THE U.S. DISTRICT COURT IN AND FOR THE
DISTRICT OF DELAWARE

RONALD S. RILEY,
Plaintiff,
Vs.
THE DELAWARE RIVER & BAY
AUTHORITY, JAMES JOHNSON,
Individually, JAMES WALLS,
Individually,
TRUDY SPENCE-PARKER,
Individually and Consuella
Petty-Judkins, individually,
Defendants.

CONFIDENTIAL

WEDNESDAY, APRIL 2, 2008

oral deposition of CONSUELLA PETTY-JUDKINS, taken
pursuant to Notice, before Shari Bowen, Certified
Shorthand Reporter and Notary Public, at Young,
Conaway, Stargatt & Taylor, LLP, 1000 West Street, 17th
Floor, Wilmington, Delaware, commencing at 4:45 p.m.

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A P P E A R A N C E S:

1 operation specialist positions that were significantly
2 lower than what I thought they should have been. So
3 there were other concerns out there that related to
4 some of the salaries for those areas.

5 Q. Okay. Did you ever talk to Mr. Coles
6 concerning Mr. Riley's job performance and his job
7 responsibilities?

8 A. No. I would have only had a conversation --
9 no. I don't recall that I would have -- that I did
10 that. I would have gathered information as it
11 pertained to the lawsuits, I would have gotten whatever
12 was in his personnel or his confidential files and then
13 anybody else would have had to contact Alex and them
14 directly for anything else related to that.

15 Q. Are you aware that Mr. Coles testified that
16 he believes that Mr. Riley should be paid more than his
17 current salary based on his job responsibilities?

18 A. Probably because I would concur that it
19 should probably be a lot higher than what they are, but
20 there's also the airport safety positions that should
21 have been higher as well.

22 Q. Are you aware that Mr. Coles has said that
23 there are problems with racial discrimination at The
24 Authority?

25 A. I'm sure that he probably has mentioned that.

1 I think that we have had some issues there, yes.

2 Q. Have you had any involvement at all in
3 investigating any of Mr. Riley's claims that had been
4 filed with the Department of Labor or in the U.S.
5 District Court for discrimination and retaliation?

6 A. No, I just would have provided them whatever
7 information that they were looking for, whatever
8 specific questions they asked. I would have not went
9 out and did any additional investigation once it goes
10 to them.

11 Q. Would you have provided the information in
12 terms of the EEOC complaints and lawsuits to Trudy
13 Spence-Parker?

14 A. Yes.

15 Q. And then she would have forwarded it to the
16 insurance companies and the attorneys and the
17 appropriate --

18 A. No.

19 Q. -- parties?

20 A. I would forward it to the insurance company
21 and to Adria. She would just get copies so that she
22 was aware that we got a new or pending lawsuit.

23 Q. Do you know if Trudy Spence-Parker did any
24 type of internal investigation to determine whether or
25 not Mr. Riley was receiving adequate compensation for

1 complaint or grievance that's been submitted to you?

2 A. Yes.

3 Q. Can you tell me what?

4 A: That's in relation to him working on the
5 17th -- or excuse me -- requesting to be off on the
6 17th of March, requesting to be off on the 18th of
7 March, not having a time slip or vacation slip
8 submitted in relation to that. They couldn't find
9 anything. They only had a documentation for the 18th
10 in an e-mail for the 18th, it didn't have anything
11 reflecting his request to be off on the 17th. So he
12 was saying that he had submitted documentation he
13 wasn't being paid in relation to that and then that's
14 where he also mentioned a problem with his pay relation
15 to Kronos being inaccurate and I haven't had the
16 opportunity to do an investigation with Ron because he
17 is been out on sick leave.

18 Q. Do you have any involvement in Ron's job
19 description?

20 A. No.

21 Q. Who's responsible for the job
22 responsibilities that Ron has?

23 A. For the job description?

24 Q. Yes.

25 A. That would have been Trudy and Jim Walls'

1 complaints or anything.

2 Q. Are you aware of any efforts that Mr. Coles
3 has made to go to Mr. Walls and/or Mr. Johnson to tell
4 them to reclassify Ron?

5 A. I don't recall him ever going to Jim Johnson,
6 I don't know. I know that there was conversations with
7 Steve about that because there was also conversations
8 about the airport safety and operation specialists as
9 well. So there would have been conversations that he
10 would have had with Steve and he may have had with
11 Walls, that I don't know, but I know there was
12 conversations with Steve.

13 Q. About reclassifying Ron?

14 A. Uh-uh.

15 Q. Is that a yes?

16 A. Yes, I'm sorry.

17 Q. And is it your understanding that Mr. Coles
18 has either encouraged or supported Mr. Riley to be
19 reclassified?

20 A. Yes.

21 Q. And is it your understanding that Mr. Walls
22 and/or Mr. Johnson have refused to do?

23 A. I don't know about Jim. I don't know about
24 either one of them. I know that the job
25 classifications or job descriptions are supposed to be

1 A. No.

2 Q. You hold that opinion despite the fact that
3 Mr. Coles believes that he should be compensated at a
4 higher level than he is, but either Mr. Walls or
5 Mr. Johnson refused to do so?

6 A. I don't know that Mr. Walls or Mr. Johnson
7 had anything with refusing to do so. Again, that was
8 something that went back to HAY or was supposed to go
9 back to HAY. That was something that would have been
10 reviewed with Trudy and HAY. I agree that his job
11 probably should be reclassified to a higher pay status.
12 I had even mentioned that to Walls, just reclassify him
13 to a higher pay status, but I had also mentioned that
14 about the airport safety people because we had to
15 continuously re-post it and nobody wanted it due to the
16 salary. So, yeah, I think it should be.

17 Q. Okay. And you reported this to Mr. Walls
18 that Mr. Riley's job should be reclassified because his
19 performance is higher than that of an operations clerk;
20 is that correct?

21 A. I felt that some of the things that he was
22 doing probably were -- that were mentioned probably
23 should be reclassified clerical-wise, especially since
24 he was over at the airport and seemed to be little bit
25 more functions than the rest of the organization.

1 Q. Did you make a recommendation to Mr. Walls as
2 to what the reclassification should be?

3 A. No.

4 Q. In terms of the pay rate jump?

5 A. No.

6 Q. Do you have an opinion as to what you think
7 the reclassification should be?

8 A. I would have probably recommended at least
9 one pay grade up. That seems to be where the rest of
10 the administrative staff seems to be.

11 Q. And one pay grade up, what type of increase
12 would Mr. Riley expect to receive if he was increased
13 one?

14 A. Without looking at the pay grade sheet, I
15 think it's a difference of either 5 or 10,000
16 something --

17 Q. In that neighborhood?

18 A. Yeah.

19 Q. And Mr. Riley's pay grade pay?

20 A. I believe so.

21 Q. So what would be the next pay grade that he
22 would receive?

23 A. I believe that would be an M. Again, I don't
24 do the pay grades. I don't work in relation to them.

25 Q. Mr. Walls and Mr. Johnson would have the

1 authority to reclassify Ron; correct?

2 A. Correct. At the time I don't know if that
3 was really them or if it was Trudy. Like I said, I
4 don't know who made --

5 Q. Maybe that wasn't a good question, I'm sorry.

6 Either Trudy Spence-Parker, the Chief
7 Human Resources Officer, Mr. Walls, or Mr. Johnson, or
8 all of them together could reclassify Ron to increase
9 his pay grade based on his job responsibilities;
10 correct?

11 A. What I have known of the reclass has always
12 either come from Trudy or through Jim Walls. I don't
13 know that any of that ever went back to Jim except for
14 to say these were the people who were classified and
15 why.

16 Q. Did you ever have any discussions with Trudy
17 as to why they would not reclassify Ron when Ron's
18 supervisor supported it and you supported it?

19 A. No. That was something she did not discuss
20 with me in relation to the pay grades.

21 Q. Do you have any opinion as to why Trudy would
22 not reclassify Ron when Ron's direct supervisor and you
23 supported reclassification?

24 A. No, because Trudy was the only person who
25 would be present with HAY, so I don't know what

1 conversations would take place with HAY, if they went
2 over peoples jobs descriptions, that I don't know. I
3 don't even recall if Jim Walls was even present for
4 some of those.

5 Q. And just so I'm clear, you believe that Trudy
6 Spence-Parker would have the authority to reclassify
7 Ron; correct?

8 A. I would think so, yes.

9 Q. While she was there?

10 A. I mean, yes, she would be the one who sent
11 them to HAY.

12 Q. And Mr. Jim Walls would have the
13 responsibility or the authority to reclassify Ron as
14 well?

15 A. I would think that he would, yes.

16 Q. And despite the fact that you've made a
17 recommendation for reclassification and Mr. Coles has
18 made a recommendation for Mr. Riley, Ms. Spence-Parker
19 or Walls have refused to do so?

20 A. I would have to say yes. I don't know what
21 are the bases was behind any of that, though.

22 Q. Are you aware of Mr. Johnson ever telling
23 Mr. Walls or Ms. Spence-Parker that he would not
24 consider any reclassification for Mr. Riley based on
25 the fact that he filed this lawsuit?

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1 Sheehan was in the mix a little bit. But then when
2 Haywood Daisy left -- Lee McGann was put in charge
3 when Frank Sheehan left.

4 Q. What was the first name that you
5 mentioned? You said Joe Clemente, Lee McGann?

6 A. Donna McAuliffe.

7 Q. What job title did you hold when you feel
8 like you were subject to discrimination at the
9 Authority?

10 A. Management problems because I went from
11 coordinator to specialist.

12 Q. And who gave you problems?

13 A. Just the department as a whole wasn't a
14 good working environment I would say at that time.
15 It was issues and I can only speak from my
16 viewpoint.

17 Q. That's all I'm asking for at this time.

18 A. I went from working one schedule to a
19 different schedule and different things of that
20 nature. I was in the process of actually, before I
21 took this position, of transitioning, leaving the
22 Authority.

23 Q. I know you told me generally you think
24 there was discriminatory practices while you were at
25 the coordinator position and you gave me some names

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1 of people. Can you give me any specific incidents
2 either involving Ms. McAuliffe, Mr. Clemente, Mr.
3 Sheehan -- is it Mr. McGann?

4 A. Yes.

5 Q. Any of those --

6 A. Only thing that comes to mind that I
7 remember was my schedule being changed a lot. That
8 stands out with me. Now, personally did anyone make
9 derogatory or say things to me? No. Because I
10 might not be in my position now, to be honest with
11 you.

12 But it's the whole -- I guess just the
13 atmosphere from being a minority being in certain
14 situations.

15 Q. Did you feel that you were being singled
16 out because you were promoted to a coordinator?

17 A. No.

18 Q. Is that what they were --

19 A. No. I was coordinator when I first came
20 over there. I don't know that was the case at all.
21 You could call it -- I wouldn't really say it's two
22 things.

23 Do I think some of the people in the
24 department had racial stuff with them? Yes. We had
25 some strong, different personalities as well. I'm

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1 not the type person -- I speak my mind and that
2 doesn't sit well with a lot of people.

3 So you can look at it kind of both ways.
4 Now, was I singled out? I don't know. If you would
5 ask me the way everything was going, I'm going day
6 work to midnight to swing shift. I wasn't a happy
7 camper.

8 Q. When you're with the Authority as a
9 coordinator, they -- when I'm saying they, the
10 Authority -- changed your schedule frequently?

11 A. Yeah. And that was the supervisor and the
12 people in the department.

13 Q. And who was the supervisor?

14 A. At that time I believe it was
15 Ms. McAuliffe.

16 Q. And I assume that the persons you've
17 mentioned -- Ms. McAuliffe, Mr. Clemente,
18 Mr. Sheehan, and Mr. McGann -- are all Caucasian or
19 white?

20 A. Yes.

21 Q. And you believe that your schedule was
22 being changed because you are African American,
23 correct?

24 A. I'm trying to think back.

25 Q. Let me ask it this way: Are you aware of

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1 any similarly situated white person who was employed
2 at the Authority whose schedule was being revised
3 and amended the way your schedule was being changed?

4 A. At that time, no.

5 Q. And at least at that time, you were under
6 the belief that your schedule was being changed
7 because they were singling you out, correct?

8 A. I could look at it two-folds. When I went
9 from coordinator to specialist, I became the lowest
10 man on the totem pole, as they say. Actually, the
11 second lowest, because there was another gentleman
12 that was before with me, Michael Edwards. And every
13 time the schedule was changed, the only one it
14 affected was me and him.

15 Q. And both of you are African American?

16 A. Yes.

17 Q. Did you make complaints to Donna McAuliffe
18 or anyone else in supervision at the Authority about
19 the change in your schedule and Mr. Edwards'
20 schedule?

21 A. I complained to everybody.

22 Q. What was done about those complaints?

23 A. Well, nothing. I mean, I was told that I
24 was specialist, these are my job duties and what I'm
25 responsible for. I said fine. That's when I

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1 started looking for other employment.

2 Q. But you continued to stay on at the
3 Authority obviously, correct?

4 A. Yeah. I ended up -- I worked it out where
5 I was working midnights and doing other employment
6 during the day. And I think that went on for about
7 a year, year and a half maybe. And then the job
8 that I hold now came available and I applied for it.
9 The rest is, as they say, history.

10 Q. So you got the senior airport manager and
11 you're happy now?

12 A. I wouldn't say that.

13 Q. Content?

14 A. Content.

15 Q. Why did you end up getting the senior
16 airport manager title? Do you know? Did you meet
17 with Mr. Williams or Mr. Walls or anyone to explain
18 this is the title we are going to give you and this
19 is why we're giving you the promotion?

20 A. No. When they went through the process
21 that I sat there and the Hay process -- I tell them
22 the operation staff, I don't know money or titles,
23 but I can explain to you what I do and I know what
24 my job is.

25 Once I did that and gave them all that

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1 one.

2 Q. Were both of those two union employees
3 Caucasian?

4 A. I know Barry is. I don't know the other
5 guy personally. I believe he is, but I don't know.

6 Q. Do you know why those two union employees
7 were given a 5 percent pay bump?

8 A. No.

9 Q. Did you speak to Mr. Williams or Mr. Walls
10 and say to them that I don't understand why you
11 won't consider Ron for a pay grade bump or
12 reclassification when two other union members
13 received a pay bump of 5 percent?

14 A. No. I asked them to explain to me what
15 happened.

16 Q. And what did they tell you?

17 A. Exactly what I just told you earlier as
18 far as they took the job, didn't take the job, all
19 that type stuff.

20 Q. You don't really know why they did it, but
21 eventually they gave them a 5 percent pay bump?

22 A. I believe it was more than that.

23 Q. More than 5 percent?

24 A. I believe. I don't know for sure.

25 Q. Okay. Did you meet with Ron to discuss

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1 with him why two other union members received a pay
2 bump but he was not eligible for one?

3 A. No.

4 Q. Do you know whether or not Mr. Riley was
5 aware that two other union members received a pay
6 bump?

7 A. He made me aware of it.

8 Q. What did you and Mr. Riley discuss when he
9 made you aware of it?

10 A. I said let me find out.

11 Q. What did you do?

12 A. That's when I had my conversation with
13 Steven Walls to find out exactly what's going on.

14 Q. And you told me everything you know about
15 that conversation, correct?

16 A. Yeah.

17 Q. Did you have a follow-up conversation with
18 Ron after you spoke to Williams and Walls?

19 A. I don't believe I did.

20 Q. Did Mr. Williams or Mr. Walls or anyone
21 else at the Authority ever tell you that Ron was not
22 eligible for a pay increase or reclassification
23 because of his lawsuit?

24 A. No.

25 Q. Have you ever discussed Mr. Riley's

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1 A. Only when I talk about pay with her, I
2 talk about me. Not anyone else. I don't talk about
3 anyone else.

4 Q. Did you tell Ms. Petty-Judkins at some
5 point in your career at the Authority you felt like
6 you were not being treated fairly because you were
7 African American?

8 A. We've had conversations about it, yes.

9 Q. Is that what you've told me already, that
10 when you were hired as a coordinator --

11 A. She wasn't there when all that went on.
12 She wasn't there. And we've had general
13 conversations. By that time I was a manager and
14 everything else.

15 Q. Okay. Did you tell her about it? When
16 she came on and was hired, did you explain to her
17 that before she came on you felt that you were being
18 discriminated upon by having your schedule
19 constantly changed?

20 A. No. I was in the process of -- I had made
21 my mind up that I was leaving. So I didn't even --

22 Q. Then you got promoted and decided to stay,
23 correct?

24 A. Then the job came up. I wouldn't call it
25 a promotion. I had to apply for that thing. They

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1 didn't give to it me.

2 Q. Have you had any conversations with her
3 about whether you were treated fairly or adequately
4 as an employee at the Authority since she's been
5 employed there?

6 A. We talk about all minorities. But it's a
7 group of us, not just her. Some of the reservations
8 we may have or may not have with the Authority
9 itself. But to say I went to her and said, hey,
10 look, I have XYZ problems, no.

11 Q. When you say we talk about the
12 reservations you have about the treatment of
13 minorities, what can you tell me about that?

14 A. I mean, it's just not only the Authority
15 but everywhere. When I say we, me, her, and Sandra.

16 Q. You mean yourself, Sandra McKinney, and
17 Consuella Petty-Judkins have talked about the
18 treatment of minorities at the Authority?

19 A. Not just at the Authority, but just
20 period. When we go into the Authority, like I said,
21 because of my job, because of her job, I kind of
22 keep that separate. I do have my own opinion about
23 the Authority and everything else.

24 Q. What's your opinion about the Authority?
25 Do you think the Authority treats African American

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1 and other minorities fairly?

2 A. We have issues there.

3 Q. What are the issues?

4 A. From fairness to the perception I have,
5 because this is a conversation I had with Steven
6 Walls and I can only talk about Alex. I don't talk
7 about no one else.

8 Q. That's all you're asked to do is tell me
9 what you know or what you recall.

10 A. From the perception I have and the way I
11 was treated coming up through the Authority prior,
12 such as I already told you, and some things that go
13 on, you know, with me, I think that in different
14 situations someone else probably would have been
15 treated different. I've expressed that. Because we
16 do have issues at the Authority.

17 Now, those issues in this, I mean, I don't
18 put the two together, because once I found out we
19 had a lawsuit -- I am his boss so I can't really --
20 I don't want to express myself to him and all that.

21 Q. You don't talk about the lawsuit to Ron?

22 A. No.

23 Q. After he filed?

24 A. Not at all.

25 Q. You just supervise him the best you can

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1 without discussing the lawsuit?

2 A. Right.

3 Q. But you do have opinions that African
4 Americans at the Authority are not treated fairly,
5 correct?

6 A. Yes. And I have expressed those opinions.

7 Q. Expressed those opinions to Mr. Williams
8 and Mr. Walls?

9 A. Yes. Not in detail with Walls, but in
10 detail with Steve.

11 Q. What did Mr. Williams say?

12 A. He's new to the Authority so I guess he's
13 trying to feel his way around or whatever. I don't
14 know.

15 But by him being my direct boss, I just
16 discuss it with him. And I lay it on the line how I
17 feel and what I think. Like I said, these are my
18 opinions and how I feel.

19 Q. I understand.

20 A. If anyone knows me, they will tell you no
21 one can tell Alex to say something or not to say
22 something. I just go by the experience that I had
23 going through the Authority, period. I expressed
24 that to him.

25 Q. When you say that you don't believe that

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1 African Americans are treated fairly within the
2 Authority, does that mean equal pay, consideration
3 for promotions, or all of the above?

4 A. I never really got into the details of all
5 that. Just from my experience and the things that
6 I've dealt with with the different personalities
7 within the Authority, I believe that you have racial
8 issues there.

9 Now, as far as the pay and all that stuff,
10 I didn't get into that. I am just going by my
11 experience and how I was treated as I came up
12 through the Authority.

13 Q. Focusing --

14 A. Focusing on my experience. Anyone will
15 tell you, I'm not the type person who will discuss
16 pay or say Alex deserves to make this. I said this
17 is what Alex can do. If you want Alex, make it
18 parity.

19 I always discuss parity across the board.
20 I don't discuss, well, he's a white individual and
21 he makes this much. I'm a black individual and I
22 only make that much. It's not about that.

23 It's about parity and being fair across
24 the board for everybody. And that's how I look at
25 it. These are the kind of discussions I have with

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1 Steve.

2 Q. I need you to try to break that down if
3 you can. And if you can't do that, tell me. In
4 breaking down the unfair treatment or disparity that
5 the African Americans receive at the Authority, are
6 you talking about simply how they are treated as
7 individual employees? Or are you talking about
8 fairness in terms of equal pay? Are you talking
9 about fairness in consideration for promotions?

10 A. You could go across the board with it.
11 Like I said, I keep going back to only my
12 experience. I'm sure you can talk to a lot of
13 minorities within the Authority and they will have
14 different experiences. Not just minorities. Other
15 individuals as well.

16 So I can only speak from a minority
17 standpoint because I'm a minority.

18 MR. HALL: Let's take a two-minute
19 break.

20 (Whereupon, a brief recess was
21 taken.)

22 BY MR. HALL:

23 Q. Alex, you mentioned that from your
24 observations and experience that across the board
25 with respect to treatment in terms of the individual

1 operation specialist positions that were significantly
2 lower than what I thought they should have been. So
3 there were other concerns out there that related to
4 some of the salaries for those areas.

5 Q. Okay. Did you ever talk to Mr. Coles
6 concerning Mr. Riley's job performance and his job
7 responsibilities?

8 A. No. I would have only had a conversation --
9 no. I don't recall that I would have -- that I did
10 that. I would have gathered information as it
11 pertained to the lawsuits, I would have gotten whatever
12 was in his personnel or his confidential files and then
13 anybody else would have had to contact Alex and them
14 directly for anything else related to that.

15 Q. Are you aware that Mr. Coles testified that
16 he believes that Mr. Riley should be paid more than his
17 current salary based on his job responsibilities?

18 A. Probably because I would concur that it
19 should probably be a lot higher than what they are, but
20 there's also the airport safety positions that should
21 have been higher as well.

22 Q. Are you aware that Mr. Coles has said that
23 there are problems with racial discrimination at The
24 Authority?

25 A. I'm sure that he probably has mentioned that.

1 I think that we have had some issues there, yes.

2 Q. Have you had any involvement at all in
3 investigating any of Mr. Riley's claims that had been
4 filed with the Department of Labor or in the U.S.
5 District Court for discrimination and retaliation?

6 A. No, I just would have provided them whatever
7 information that they were looking for, whatever
8 specific questions they asked. I would have not went
9 out and did any additional investigation once it goes
10 to them.

11 Q. Would you have provided the information in
12 terms of the EEOC complaints and lawsuits to Trudy
13 Spence-Parker?

14 A. Yes.

15 Q. And then she would have forwarded it to the
16 insurance companies and the attorneys and the
17 appropriate --

18 A. No.

19 Q. -- parties?

20 A. I would forward it to the insurance company
21 and to Adria. She would just get copies so that she
22 was aware that we got a new or pending lawsuit.

23 Q. Do you know if Trudy Spence-Parker did any
24 type of internal investigation to determine whether or
25 not Mr. Riley was receiving adequate compensation for

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1 the airport, correct?

2 A. Yes.

3 Q. Ron has the ability to give access or deny
4 access to the airport property or ramps?

5 A. When being directed, yes, he does.

6 Q. Does he have that individual authority to
7 do that?

8 A. In certain situations, yes.

9 Q. You say that Ron Riley functions as a
10 liaison for the New Castle Airport?

11 A. What do you mean by liaison? Explain that
12 to me.

13 Q. The contact between the individuals coming
14 on to the airport and the Authority?

15 A. Yes.

16 Q. You would agree with me that Ron interacts
17 with outside agencies?

18 A. Yes.

19 Q. We've gone over some of those like the FBI
20 and FEMA and DENREC?

21 A. Mm-hmm.

22 Q. That's yes, right?

23 A. Yes. I'm sorry.

24 Q. Do you believe that the Authority has
25 discriminated upon Ron because he's African

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1 American?

2 A. No.

3 Q. Do you believe that the Authority has
4 retaliated against Ron because he filed a grievance
5 complaint against the Authority in a lawsuit?

6 A. No.

7 Q. You don't believe that the Authority has
8 either discriminated upon him or retaliated upon
9 him, but you do believe that he should receive a pay
10 increase for his responsibilities, correct?

11 A. I believe my whole department should
12 receive a pay increase.

13 Q. I understand that. But we're in a
14 situation where the rest of your department is not
15 subject to a lawsuit and Ron is.

16 A. I understand.

17 Q. And we are only talking about Ron today.
18 With respect to Ron and his claim or lawsuit, you
19 believe that Ron should receive a pay increase from
20 his current pay of Pay Grade P as operations clerk,
21 correct?

22 A. Yes.

23 Q. And you've expressed that to Mr. Williams
24 and Mr. Walls, correct?

25 A. Yes.

1 turned over to Trudy and they go to HAY. Now, I don't
2 even know if Jim Walls even sits present when those job
3 descriptions are reviewed. As far as I knew that was
4 only something that was done between HAY and Trudy.

5 Q. Are you aware either from Trudy, or any
6 conversations you've had with The Authority, that Jim
7 Johnson made a statement concerning Mr. Riley that he
8 would not be reclassified and his pay would not be
9 adjusted because he had filed the grievances, the EEOC
10 complaints and the lawsuits?

11 A. No.

12 Q. Do you have any other information regarding
13 Mr. Riley's complaints of racial discrimination or
14 retaliation other than what you've told me today?

15 A. No, those are the only ones I have so far.

16 MR. HALL: I think I'm done. Let's just
17 take a two-minute break.

18 (Whereupon, a break was taken.)

19 BY MR. HALL:

20 Q. Ms. Petty-Judkins, I just have a few
21 questions for you and I think we can wrap things up.

22 A. Okay.

23 Q. Do you believe that Mr. Riley has been
24 subject to racial discrimination in his employment at
25 The Authority?

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1 Q. And what was the resolution of that meeting?

2 A. Nothing. I put in a harassment complaint. I
3 never got any feedback from anyone.

4 Q. And what resolution were you hoping to get from
5 that meeting?

6 A. One, who was going to pay my cell phone bill.
7 Because I asked that question. And, two, why was I
8 being singled out. Plain and simple.

9 Q. Any other personal involvement that Jim Walls
10 had with any of your allegations or your allegation of
11 discrimination?

12 A. The training. It was approved by my manager.
13 It was approved by education and training. I was told
14 that the money was -- the money was there for me to
15 take the training. And he denied it.

16 He gave it -- he wrote on a Post-it Note
17 and gave it to Laura Hanna who works in training and
18 development -- I mean, training and education. And
19 she gave the Post-it Note to Sandra McKinney. And
20 that's how I found out.

21 Q. Did you ever have any conversations with
22 Mr. Walls regarding his denial?

23 A. No.

24 Q. Did you ever ask him for a reason?

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Ronald S. Riley

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1 A. No.

2 Q. Any other information that Mr. Walls has
3 relevant to this lawsuit?

4 A. No.

5 Q. You've also identified Jim Johnson.

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9 after you went in initially?

10 A. No. The documents that I gave him are -- you
11 know, they're further than the one day, if you look in
12 my complaint.

13 Q. But you reviewed this before signing it you
14 just said, correct?

15 A. Yes.

16 Q. And in this document in the text where it says,
17 "Statement of allegations," you appear to be focusing
18 on a request to attend training; is that correct?

19 A. Yes.

20 Q. And 8/9/2006, what's the significance of that
21 date? That's when you learned it was denied?

22 A. Yes.

23 Q. And I think you said before that Vickie Keatts
24 was approved to attend the training; is that correct?

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1 A. No. That was prior to this one.

2 Q. Okay. That was a different training?

3 A. Yes.

4 Q. Was anyone else that you know of permitted to
5 attend the training that was denied for you?

6 A. No.

7 Q. And why do you believe that the denial of
8 training was due to your race and sex?

9 A. I believe it was from my prior charge of
10 discrimination and it was just retaliatory. All the
11 numbers were there for me to go to training. The slot
12 was open. I was set to go. And then it was denied by
13 Jim Walls on a Post-it Note.

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14 Q. So do you believe Jim Walls was retaliating
15 against you for filing a charge?

16 A. Yes.

17 Q. And do you believe that it was in retaliation
18 or because of your race and sex or all?

19 A. All the above.

20 Q. And you testified you never asked him for a
21 reason for his denial; is that correct?

22 A. Correct.

23 Q. So you mentioned the names Vickie Keatts and
24 Patty Stevenson.

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1 A. Yes.

2 Q. Both of them were permitted to attend some kind
3 of training, but not necessarily the same one that was
4 denied for you?

5 A. Correct.

6 Q. Did you receive approval for any training?

7 A. Yes.

8 Q. What training have you gone to?

9 A. Back in 2001, I was approved to go to some kind
10 of customer service training in downtown Wilmington,
11 one-day seminar.

12 Q. And anything else?

13 A. That was it.

14 Q. Have you had any training since 2005?

15 A. Only in-house training that the Authority has.

16 Q. And has anyone else in airport operations
17 attended outside training since 2005?

18 A. Yes.

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12 This appears to be a memo from Linda Murphy to you
13 dated April 28th, 2003.

14 Do you recall receiving this memo?

15 A. No.

16 Q. Do you deny receiving this memo?

17 A. I said I don't remember receiving the memo.

18 Q. Do you recall receiving any communication that
19 the HayGroup evaluation was completed?

20 A. Yes.

21 Q. And that position evaluation and grade
22 recommendation had been received?

23 A. Yes.

24 Q. And that your position would be a pay grade

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1 of P?

2 A. Yes.

3 Q. And do you recall learning that your payment
4 would be retroactive only to March 1, 2003?

5 A. No.

6 Q. You don't recall ever learning that that would
7 be as far back as your retro pay would go back?

8 A. No. No. I don't recall.

9 Q. Do you recall filing a grievance based on lack
10 of retroactive pay?

11 A. Yes.

12 Q. So you had to learn at some point that you
13 weren't getting the retroactive pay, right?

14 A. Correct.

15 Q. Other than the Hay review that we just
16 discussed, have your responsibilities ever been

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17 reviewed to determine if you're receiving the
18 appropriate pay grade?

19 A. Just internally through the airport manager and
20 a director. But I haven't gotten any feedback yet.
21 That corresponds with all the research I did earlier
22 this year and handed to Steve Williams.

23 Q. And have you ever applied for any different
24 positions within the DRBA other than the ones that

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1 you've held that we reviewed on that exhibit?

2 A. Yes.

3 Q. And can you recall what positions you applied
4 for?

5 A. Operation specialist.

6 Q. And do you recall when you applied for that?

7 A. No, I can't recall.

8 Q. Any other positions?

9 A. That's it that I can recall right now.

10 (Riley Deposition Exhibit No. 23 was marked
11 for identification.)

12 BY MS. MARTINELLI:

13 Q. Mr. Riley, you've been handed a document
14 identified as Riley 23. And in the lower right-hand
15 corner, it contains Bates labels D 352 through D 356.
16 The first page appears to be a letter from
17 Ms. Petty-Judkins to you dated March 9, 2005.

18 Do you recall receiving this letter?

19 A. Yes.

20 Q. Did you apply for the DBE program manager
21 position?

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1 believe she's the one who had the information
2 because I had HR, me, Steve, Ron, union rep, and I
3 believe Walls was there.

4 Q. Did Mr. Riley express to you during any
5 time of this incident that he believed he was being
6 singled out because he had filed a grievance or
7 complaint against the Authority?

8 A. I don't recall that.

9 Q. Did Mr. Riley ever express to you that he
10 believed he was being retaliated upon by the
11 Authority for filing a grievance or a complaint?

12 A. I don't recall that either. He was
13 irritated, you know.

14 Q. There's an incident that's alleged in the
15 complaint that occurred in October of 2006 where
16 Mr. Riley spoke to Mr. Richie with regard to three
17 hours missing from his time that he worked.
18 Mr. Richie advised Mr. Riley that you, Mr. Coles,
19 went into the computer system and changed
20 Mr. Riley's time, removing three hours from his pay.

21 And Mr. Riley alleged that you changed his
22 time from 0755 hours to 1100 hours despite the fact
23 that Mr. Riley worked those hours.

24 First question is, do you recall seeing
25 that allegation either in the complaint or in

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1 deposition testimony?

2 A. I remember seeing the allegation, yes.

3 Wasn't there more to that?

4 Q. Do you recall -- what do you recall about
5 that incident, if anything?

6 A. I'm trying to remember. I looked at it
7 yesterday. And I think he went to the doctor or
8 something to that effect. When I seen him -- that's
9 another incident where I think him and HR was having
10 conversation and I didn't know anything about it.

11 When I saw Mr. Riley, it was 11 o'clock.
12 And I hadn't seen him there. Apparently, I think he
13 went to the doctor or something.

14 So I went in and changed it. Hey, what's
15 going on here. You didn't come into work until 11
16 o'clock. Come to find out, I think our HR
17 department sent him to the doctor. So I changed it
18 back.

19 It's a big lack of communication going on
20 with not only the HR department, but at the time
21 with me and Mr. Riley.

22 Q. Do you know why the human resources
23 department would not be communicating to you to
24 advise you that Mr. Riley had properly documented
25 time off?

ALEX E. COLES

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1 A. No. But I don't believe that he's the
2 only person that's happened to.

3 Q. Do you believe that it has anything to do
4 with the fact that Mr. Riley has filed a grievance
5 or a lawsuit against the Authority?

6 A. No. I believe they just have some things
7 they need to work out in HR.

8 Q. You think HR just has some general
9 problems?

10 A. Yes.

11 Q. There's an incident that's alleged that
12 occurred on May 18 of 2007 when Mr. Riley received a
13 phone call from you, Mr. Coles, who indicated that
14 Mr. Riley was in the cafeteria on this date and time
15 for two to three hours talking to people in the
16 cafeteria rather than performing his job
17 responsibilities.

18 Mr. Riley explained to you that he was not
19 in the cafeteria for that length of time and you
20 made the call to him while you were on vacation in
21 California. Do you recall seeing that allegation
22 either in the complaint or Mr. Riley's deposition
23 testimony?

24 A. Yes.

25 Q. Do you recall that incident?

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RONALD S. RILEY,

Plaintiff,

V.

C.A. No.: 05-746 (MPT)
(Consolidated)

THE DELAWARE RIVER AND BAY :
 AUTHORITY, JAMES JOHNSON, Individually, :
 JAMES WALLS, Individually, TRUDY :
 SPENCE-PARKER, Individually, and CONSUELA :
 PETTY-JUDKINS, Individually, :

Defendants.

AFFIDAVIT OF RONALD S. RILEY

STATE OF DELAWARE :
 : ss
NEW CASTLE COUNTY :

Before me, the undersigned authority, on this day personally appeared Mr. Ronald S. Riley, who being sworn by me stated the following under oath:

1. My name is Ronald S. Riley. I live at 504 East Avenue, New Castle, Delaware, 19720. I am competent to make this affidavit, have personal knowledge of the facts stated in it, and those facts are true and correct to the best of my knowledge, information and belief.
2. I am an employee of The Delaware State River and Bay Authority ("DRBA"). I am employed by the Airport Safety Department as an Airport Operations Clerk.
3. Despite the fact that I perform responsibilities above and beyond that of an operations clerk, I have been denied Reclassification and/or Promotion. I have been advised that the reason I have been denied Reclassification and/or Promotion is because I am a Union Employee, and therefore my Reclassification and/or Promotion is a Union Matter.
4. Two (2) fellow Union members and employees of DRBA, Barry Arnold and Michael Casey, both white males, have subsequently been reclassified and/or promoted to a higher pay grade by management at DRBA.

5. Despite the fact that management at DRBA has been made aware of the discrepancy in reclassifying and/or promoting Messrs. Arnold and Casey, both union employees, while at the same time, denying my reclassification and/or promotion based on the fact that I am a union employee, I have not been provided with any additional explanation nor have any steps been taken to address my employment status.


RONALD S. RILEY

STATE OF DELAWARE :
:ss
NEW CASTLE COUNTY :

On this 9th day of June, 2008, before me, a Notary Public in and for the State of Delaware, the person known to me to be RONALD S. RILEY, appeared and having been duly sworn on his oath executed the foregoing Affidavit.


NOTARY PUBLIC

My commission expires:

ANN MARIE MILLER
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires Nov. 18, 2009

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**


RONALD S. RILEY,	:	
	:	
Plaintiff,	:	C.A. No. 05-746-(MPT)
	:	
v.	:	Related Case:
	:	C.A. No.: 05-126 (MPT)
THE DELAWARE RIVER AND	:	
BAY AUTHORITY,	:	
	:	
Defendant,	:	

CERTIFICATE OF SERVICE

I, James P. Hall, Esquire, hereby certify that on June 9, 2008, I electronically filed a true and correct copy of the foregoing **Appendix to Plaintiff's Answering Brief in Opposition to Defendant's Motion for Summary Judgment**, with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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Date: June 9, 2008